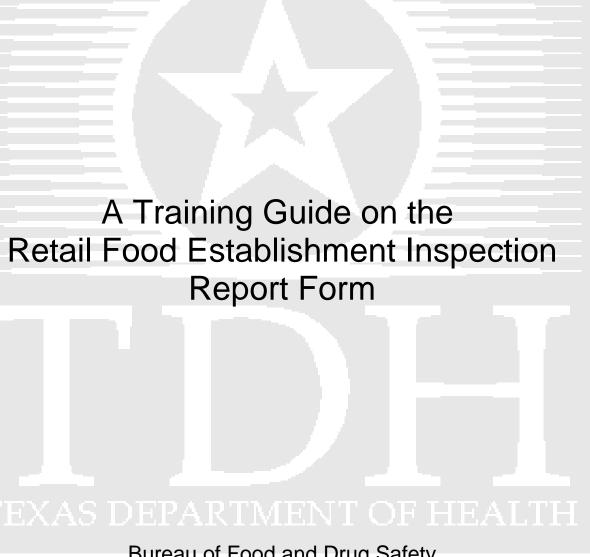
TEXAS FOOD ESTABLISHMENT RULES



Bureau of Food and Drug Safety Retail Foods Division 1100 W. 49th Street Austin, Texas 78756 www.tdh.state.tx.us/bfds/retail/rfdmain.htm

Texas Food Establishment Rules

A Training Guide on Use of the New Retail Food Establishment Inspection Report Form

> Texas Department of Health Retail Foods Division

"Administration"

A Training Guide on Use of the New Retail Food Establishment Inspection Report Form

Module 1

There is No: Mandatory Glove Rule Requirement for HACCP Inspections 41°F Temperature Requirement for Existing Refrigeration Equipment Mandatory Consumer Advisory for Serving Raw	Understa	nding TFER
or Partially Cooked Food of Animal Origin (except for Raw Molluscan Shellflish) Requirement for a Registered Sanitarian to conduct Inspections.	Mandatory Glove Rule Requirement for HACC 41°F Temperature Req Refrigeration Equipment Mandatory Consumer or Partially Cooked For for Raw Molluscan She Requirement for a Reg	CP Inspections quirement for Existing nt Advisory for Serving Raw od of Animal Origin (except elifish)

Using the TFER

Texas Administrative Code Format

229.161 Section

- (a) Subsection
- (2) Paragraph
- (A) Subparagraph
 - (i) Clause
 - (IV) Subclause

Using the TFER

Format continued

PTable of Contents

P Headers

PFigures

PInspection Report Form

PPublic Health Reasons available from the

► FDA Web Page: htttp://vm.cfsan.fda.gov/~dms/fcannex3.html 5

Inspection Report Form Development Criteria

PHACCP based

P Criticals only

PCOS (Corrected on Site)

P Demerits for critical items only, including

P Corrective Actions

6

Inspecti	ion	Re	port	Form
In	for	ma	tion	

P Completing the form

- ► San Code
- ▶ Date
- ► Insp. Time ► FPM Certified
- ► CFN
- ► Permit No.
- ► Risk Cat.
- ▶ Purpose of Inspection

P Establishment's legal identity

► §229.171(j)(6) Page 128

7

Inspection Report Form Elements

§229.171(j)(6) Page 129

PFood (PHF) Temperature/Time Requirements

- ♦5 Demerits
- ♦ Requires Immediate Corrective Action

PPersonnel/Handling/Source Requirements

- ♦4 Demerits
- ♦ Requires Immediate Corrective Action

-	

Inspection Report Form Elements

§229.171(I)(1)(B) & (m)(2) Pages 130 - 131

PFacility and Equipment Requirements

- ♦3 Demerits
- ♦ Requires Immediate Corrective Action, Not to Exceed 10 Days

9

Inspection Report Form Elements

POther Violations (noncriticals) are secondary

- ► No Demerits
- ► Marked as needed
- ► Written in an alpha sequence to avoid confusion with the numeric sequence written for critical
- ➤ Corrective Actions, Not to Exceed 90 Days or the Next Inspection, Whichever Comes First

10

Inspection Report Form Demerit Summary

P Demerit values:

- ► Subtotals
- ► Total Demerits
- ► §229.171(j)(1) Page 128

PFollow-up Inspection:

- ► Yes, if the total value is greater than 30
- ▶ §229.171(I)(2)(C) Page 131

PCOS:

- ► Corrective actions noted on inspection form
- ► §229.171(I)(2)(A) Page 130

11

Inspection Report Form Acknowledgment

PPIC:

- ► Signs the completed inspection form
- ► §229.171(j)(3) Page 129
 Receives the completed inspection form copy
- ► §229.171(j)(1) Page 128

Compliance and Enforcement

§229.171 Pages 123 - 134

13

Conditions of Permit Retention

§229.171(g)(6) Page 126

- P...The permit holder shall replace existing facilities and equipment if:
- The regulatory authority directs the replacement (public health hazard or nuisance, or no longer comply with criteria upon which they were accepted);
- ► There is a change of ownership in the establishment; or
- The facilities and equipment are replaced in the normal course of operation.

Imminent Health Hazards

§229.171(k)(1)(A) Page 130

P...A food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as:

15

Imminent Health Hazards

§229.171(k)(1)(A) Page 130

- ► Fire;
- ► Flood;
- Extended interruption of electrical or water service;
- ► Sewage backup;
- ► Misuse of toxic or poisonous materials;
- ► Onset of foodborne illness outbreak;
- ► Gross insanitary occurrence or condition; or
- Other circumstance that may endanger public health.

Imminent Health Hazards

§229.171(k)(1)(B) Page 130

P...A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard

17

Reporting of Communicable Diseases

§229.171(p)(4) Page 133

P...Reportable diseases shall be reported to the local health authority, or if there is no local health authority, to the department's Regional Director

18

Reporting of Communicable Diseases

§229.171(p)(2) Page 133

- P...Confirmed and suspected cases of the following diseases including, but not limited to, shall be reported:
 - ► Botulism;
 - ► Campylobacteriosis;
 - ► Cryptosporidiosis;
 - ► E. coli O157:H7;
 - ► hepatitis A virus;

19

Reporting of Communicable Diseases

§229.171(p)(2) Page 133

- P...Reportable diseases continued:
 - ► Listeriosis;
- ► Salmonellosis;
- ► Shigellosis;
- ► Trichinosis; and
- ▶ Vibrio infection.

Definitions		Definitions
§229.162 Pages 1 - 13		§229.162 Pages 1 - 13
P (11) Comminuted		P (40) Hazard Analysis Critical Control Point
P(17) Critical item		(HACCP)
P (19) Department		P(43) Highly susceptible population (HSP)
P(33) Food establishment		P(59) Person in charge (PIC)
		P (66) Potentially hazardous food (PHF)
	21	22
Definitions §229.162		"Food (PHF) Temperature/Time Requirements"
P (72) Ready-to-eat food (RTE) P (75) Regulatory authority		A Training Guide on Use of the New Retail Food Establishment Inspection Report Form
P (96) Utensil		Module 2
	23	24
	23	24

#1 Proper Cooling for Cooked Food

§229.164(n)(4)(A) Page 45

P...Cooked PHF

- ▶ 140°F 70°F within 2 hours
- ▶ 70° F 45°F/41°F or below within 4 hours.

P Examples of Violations

- A cooked roast beef is 90°F after 2 hours of cooling
- ► Cooked rice is 60°F after 6 hours of cooling.

25

#1 Proper Cooling for Prepared Food

§229.164(n)(4)(B) Page 45

- P...Prepared PHF from ambient temperature ingredients
- ▶ Ambient temperature to 45°F/41°F within 4 hours.

PExample of Violation

► Tuna salad at 50°F after 4 hours.

26

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#2 Cold Hold (41°F/45°F)

§229.164(n)(6)(C)(i) Page 47

P...45°F is allowable if the refrigeration unit is in place and in use in the food establishment; and

27

#2 Cold Hold (41°F/45°F)

§229.164(n)(6)(C)(ii) Page 47

- P...Upgraded or replaced with a unit that can meet the 41°F requirement within 5 years of adoption of these rules by the department;
- P...Except in-use food preparation line equipment is EXEMPT from this requirement for the life of the existing equipment PROVIDED:
- ➤ That all PHF stored is marked at the time of preparation or opening with a 4 day shelf life. 28

#2 Cold Hold (41°F/45°F)

§229.164(n)(6)(B) & (C) Page 46

PExamples of Violations

- PHF found to be 45°F in a refrigeration unit being used to cold hold PHF at 41°F.
- ► PHF found to be 50° in a refrigeration unit being used to cold hold PHF at 45°F.

29

#3 Hot Hold (140°F)

§229.164(n)(6)(A) Page 46

P...Hot holding of PHF

- ► 140°F; or
- ► 130°F for roasts of beef properly cooked and held (121 minutes) before service.

PExamples of Violations

- Baked chicken found to be hot held at 130°F in service.
- Roast beef found to be held at 130°F in service immediately after cooking.

30

#4 Proper	Cooking	Temperatures
•	per PH	

§229.164(k)(1)(A)(i) Page 41

- P...145°F or above for 15 seconds/3D kill
 - ► Fish:
 - Meat including game animals and exotic animals commercially raised for food under a voluntary inspection program; and
 - Raw shell eggs broken and prepared in response to a consumer's order and for immediate service.

31

#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(A)(i) Page 41

PExamples of Violations

- An omelette, made from raw shell eggs, is cooked to a temperature of 130°F for 15 seconds.
- An order of scrambled eggs made to consumer order from a container of pooled eggs is cooked to a temperature of 145°F.

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#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(A)(ii) Page 41

P...155°F for 15 seconds/5D kill

- ▶ Pork, ratites and injected meats
- Comminuted: fish; meat including game animals and exotic animals commercially raised for food under a voluntary inspection program; and
- Raw eggs that are not prepared in response to a consumer's order and for immediate service.

33

#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(A)(ii) Page 41

P Example of Violations

- Scrambled eggs, made from raw shell eggs, are cooked to 145°F and hot held on a buffet.
- An order of scrambled eggs made to consumer order from a container of pooled eggs is cooked to a temperature of 145°F.

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#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(A)(iii) Page 41

P...165°F for 15 seconds or above/7D kill

- ► Poultry except ratites;
- Wild game animals and exotic animals which are live caught and are under a routine inspection program; and
- Stuffed fish, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry or ratites.

35

#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(A)(iii) Page 41

PExamples of Violations

- ► Stuffed sole is cooked to 145°F.
- Stuffed pasta shells are cooked to a temperature of 145°F.

#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(B)(i) Page 41

P...Oven temperatures for whole roasts of beef and corned beef roasts (Page 140, Figure 2)

Oven Type	< 10 lbs.	> 10 lbs.
Still Dry	350° F	250° F
Convection	325° F	250° F
High Humidity	250° F	250° F

► Example of Violation

► 8 lb. beef roast cooked in a convection oven at 250°F. 37

#4 Proper Cooking Temperatures per PHF

§229.164(k)(1)(B)(ii) Page 42

- P...130°F for 121 min. or equivalent T/T
- ► Whole beef roasts and comed beef roasts §229.164(k)(1)(B)(ii) Page 141

PExample of Violation

➤ Roast beef cooked to 130°F and served immediately.

per PHF \$229.164(k)(2) Page 42 Microwave cooking for raw animal foods to 165°F or above; and Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before service. Example of Violation per PHF \$229.164(k)(3) Page 42 PFruits and vegetables that are cooked for hot holding shall be cooked to 140°F PExample of Violation Canned spinach is placed directly on the steam table for hot holding without heating to 140°F.	per PHF \$229.164(k)(2) Page 42 Microwave cooking for raw animal foods to 165°F or above; and Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before service. Example of Violation per PHF \$229.164(k)(3) Page 42 PFruits and vegetables that are cooked for hot holding shall be cooked to 140°F PExample of Violation Canned spinach is placed directly on the steam table for hot holding without heating to 140°F.		
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Page 42 Microwave cooking for raw animal foods to 165°F or above; and Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before service. Example of Violation PFruits and vegetables that are cooked fo hot holding shall be cooked to 140°F PExample of Violation Canned spinach is placed directly on the steam table for hot holding without heating to 140°F.	Page 42 Microwave cooking for raw animal foods to I65°F or above; and Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before service. Example of Violation Fish cooked in microwave oven and served 20	#4 Proper Cooking Temperatures per PHF	#4 Proper Cooking Temperatures per PHF
Microwave cooking for raw animal foods to 165°F or above; and Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before service. Example of Violation PFruits and vegetables that are cooked fo hot holding shall be cooked to 140°F P Example of Violation Canned spinach is placed directly on the steam table for hot holding without heating to 140°F.	Microwave cooking for raw animal foods to 165°F or above; and P. Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before service. Example of Violation Fish cooked in microwave oven and served 20	§229.164(k)(2) Page 42	§229.164(k)(3) Page 42
Example of Violation	Fish cooked in microwave oven and served 20	 Rotated or stirred; and Covered during cooking; and Holding time, covered, for 2 minutes before 	hot holding shall be cooked to 140°F PExample of Violation Canned spinach is placed directly on the steam
Fish cooked in microwave oven and served 20		Example of Violation Fish cooked in microwave oven and served immediately. 39	40

#4 Proper Cooking Temperatures per PHF (Exception)

§229.164(k)(1)(C) Page 42

- P...Consumer advisory recommended, not mandatory
- P...Raw or partially cooked animal foods are allowed to be prepared upon consumer request (except HSP)

PExample of Violation

► A hamburger is cooked to 145°F/15 sec. without a consumer order for being undercooked.

#5 Rapid Reheating

§229.164(m)(1)(A) Page 43

P...165°F for 15 sec. or above for all PHF that is cooked, cooled and reheated for hot holding

P Example of Violation

► Fresh chili is reheated to 145°F.

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#5 Rapid Reheating

§229.164(m)(1)(B) Page 43

P...165°F/covered for 2 minutes before service for PHF reheated in a microwave oven and the PHF is rotated or stirred and covered

P Example of Violation

► Fresh clam chowder soup is reheated to 165°F in a microwave oven and served immediately.

43

#5 Rapid Reheating

§229.164(m)(1)(C) Page 43

- P...140°F for a RTE taken from a commercially processed:
 - hermetically sealed container; or
 - ► Intact package

PExample of Violation

► Frozen, cooked hamburger patties processed in a USDA plant are reheated to 140°F after the package was previously opened.

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§229.164(m)(1)(D)

P...165°F reached within 2 hours from 41°F or 45°F

PExample of Violation

► A pot of chili reaches 165°F after 2½ hours of being put on a gas range to reheat.

45

#5 Rapid Reheating

§229.164(m)(1)(E) Page 44

P...130°F and held for 121 minutes for whole roasts of beef (unsliced) using the proper oven temperatures

P Example of Violation

► 6 lb. unsliced roast beef heated to 130°F in a still dry oven at 350°F and immediately served.

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#5 Rapid Reheating (Exception)

§229.164(m)(2) Page 44

P...Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order may be served at any temperature

PExample of Violation

➤ While being reheated, an individual order of chili is served to a customer before reaching 165°F.

47

"Personnel/Handling/Source Requirements"

A Training Guide on Use of the New Retail Food Establishment Inspection Report Form

Module 3

#6 Personnel with Infections **Excluded**

§229.163(d)(2)(A) Page 18

- P...The PIC shall exclude a food employee in any food establishment if the food employee is diagnosed with an illness due to the "Big Four":
- ► Salmonella typhi; ► Shigella spp.;
- ► Escherichia coli O157:H7; or
- ► hepatitis A virus

49

#6 Personnel with Infections **Excluded**

§229.163(d)(2)(A) Page 18

P...Exclude means a food employee who is diagnosed with one of the "Big Four" is not to be in any food establishment while infected

50

#6 Personnel with Infections Excluded

§229.163(d)(2)(A)

P Example of Violation

 A food employee working in any food establishment reports to the PIC that they have been diagnosed with shigellosis. The food employee is allowed to continue working their shift in the kitchen.

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#6 Personnel with Infections **Excluded**

§229.163(d)(3)(A) Page 19

- P...The PIC may remove an exclusion of a food employee diagnosed with an infectious agent (as described) if:
- ► Approval from the regulatory authority is obtained; and
- ► The food employee has written medical documentation that the employee is free of the infectious agent.

#6 Personnel with Infections Excluded

§229.163(d)(3)(A) Page 19

PExample of Violation

A food employee working in any food establishment who was diagnosed with an infectious agent as described and did not obtain a medical release to work unrestricted nor did the person in charge receive approval from the regulatory authority.

53

#6 Personnel with Infections Excluded

§229.163(d)(2)(C) Page 19

- P...A food employee in a HSP establishment who is experiencing symptoms such as diarrhea; fever; vomiting; jaundice; or sore throat with fever and meets high risk conditions shall be excluded:
 - ► High risk conditions
 - ► §229.163(d)(1)(D) Page 18.

54

#6 Personnel with Infections #6 Personnel with Infections	

§229.163(d)(2)(C) Page 19

PExample of Violation

 A dishwasher in a HSP establishment has diarrhea and their child (living at home) has been confirmed with shigellosis.

55

§229.163(d)(2)(B)(i) Page 18

- P...The PIC shall restrict a food employee in any food establishment if they have symptoms caused by illness, infection, or other source that is associated with an acute gastrointestinal illness such as:
 - ♦diarrhea;
 - ♦fever;
 - ♦vomiting;
 - ♦jaundice; or
 - ♦sore throat with fever.

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#6 Personnel with Infections Restricted

§229.163(d)(2)(B) Page 18

- P...Restrict means a food employee in any food establishment shall not engage in duties which bring them in contact with:
 • Exposed food;

 - ► Clean food equipment & utensils;
 - ► Linens; and
 - ► Unwrapped single-service articles and single-use articles.

57

#6 Personnel with Infections Restricted

§229.163(d)(2)(B) Page 18

P Example of Violation

➤ A food employee, in any food establishment, who has diarrhea is wrapping tableware in clean cloth

#6 Personnel with Infections Restricted	#6 Personnel with Infections Restricted
§229.163(d)(2)(B)(i) Page 18	§229.163(i)(2) Page 24
The PIC shall restrict a food employee in any food establishment if they have a lesion containing pus such as a boil or infected wound that is unprotected as required. • §229.163(d)(1)(B)(ii) Page 18.	PFood employees with persistent sneezing coughing or a runny nose that causes discharges from the eyes, nose or mouth shall be restricted in any food establishment PExample of Violation A food employee that has a persistent cough is preparing salads for a buffet.
59	60

#7 Proper/Adequate Handwashing

§229.163(e)(2)

P...Food employees shall clean their hands and exposed portions of arms with soap in a handsink equipped with hot water (110°F), vigorously rubbing together the surface of their lathered hands and arms for 20 seconds and rinsing with clean water

61

#7 Proper/Adequate Handwashing

§229.163(e)(2) Page 21

P Example of Violation

A food employee washes their hands with soap and hot water for about 4 seconds.

62

#7 Proper/Adequate Handwashing

§229.163(e)(2) Page 21

P...The use of automated handwashing equipment acceptable to the regulatory authority can be substituted for the handwashing procedures provided the equipment is installed and used according to manufacturer's instructions

63

#7 Proper/Adequate Handwashing

§229.163(e)(3) Page 22

P...Employees who handle RTE shall wash hands as specified and use a hand sanitizer (ethyl alcohol or isopropyl alcohol), or chemical hand sanitizing solution used as a hand dip

PExample of Violation

A food employee handles RTE with their bare hands after a handwash that was not followed by use of a chemical hand sanitizer or hand dip. 64

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#7 Proper/Adequate Handwashing

§229.163(e)(4) Page 22

- P...Food employees shall clean their hands and exposed portions of their arms at the following times:

 After touching bare skin or hair;

 After using the restroom;

 After caring for/handling support animals;

single-use articles

- ► After coughing, sneezing, using tobacco, eating or drinking; and

67

#7 Proper/Adequate Handwashing

§229.163(e)(4) Page 22

- ► After handling soiled equipment or utensils;
- Immediately before food preparation;
 During food preparation;
- ▶ Between handling raw foods and RTE; or
- ► After doing anything else that may contaminate the hands.

66

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#8 Good Hygienic Practices	#8 Good Hygienic Practices (Drinking)
(=:	
§229.163(i)(1)(B) Page 24	§229.163(i)(1)(B) Page 24

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#8 Good Hygienic Practices (Other)

§229.163(e)(5) Page 22

- P...Food employees may not clean their hands in sinks used for:
- ► food preparation;
- ▶ warewashing or in a service sink; or
- ► a curbed cleaning facility.

PExample of Violation

A food employee washes their hands in a food preparation sink.

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#10 Sound Condition

§229.164(a) Page 26

P...Food shall be safe, unadulterated, honestly presented

PExamples of Violations

- ► Bulk sugar is observed with a dead fly in the container.
- ► Rodent contaminated products are observed.

71

#10 Sound Condition

#9 Approved Source §229.164(b)(1)(B) Page 26

manufacturer is an unapproved source and cannot be offered for human consumption in

► A food establishment is serving home-made salsa

that has been prepared in a private home.

P...Food from an unlicensed food

a food establishment

P Example of Violation

§229.164(c)(6) Page 29

P...Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants

Example of Violations

- A sack of flour in a food establishment is torn and product is exposed.
- Several cans of tuna fish on a shelf in a food establishment have severe dents on the seam.

#11 Proper Handling of Ready-to-Eat Foods

§229.164(e)(1)(B) Page 32

P...Handling of RTE shall be avoided by:

- use of suitable utensils (deli tissue, spatulas, tongs or single use gloves); or
- ► Food employees shall wash hands properly followed by use of an approved hand sanitizer;
- ▶ §229.163(e)(3) Page 22; or
- ► Use of a chemical hand dip to sanitize hands;
- ► §229.163(e)(3) Page 22.

73

#11 Proper Handling of Ready-to-Eat Foods

§229.164(e)(1)(B) Page 32

P Examples of Violations

- ► Food employee uses tongs that have not been cleaned and sanitized before use to handle RTE.
- ► Food employee does not sanitize hands after a handwash and handles RTE.
- Food employee dips hands in a chemical dip solution having a concentration of 50 ppm chlorine after washing hands to handle RTE with bare hands

74

#11 Proper	Handling of
•	
Ready-to-	Eat Foods

§229.164(e)(1)(B) Page 32

P...Gloves, use limitation

- ► §229.164(h)(5)(A) Page 36
- Single-use gloves shall only be used for one task, such as handling RTE or with raw animal food;
- ▶ Used for no other purpose; and
- ► Discarded when damaged or soiled; or
- ► When interruptions occur in the operation.

75

#11 Proper Handling of Ready-to-Eat Foods

§229.164(e)(1)(B) Page 32

P Examples of Violations

- ➤ Food employee, wearing single-use gloves handling RTE, takes off their gloves to perform another task and then puts the same gloves back on and handles RTE.
- Food employee wears single-use gloves to handle raw poultry, washes the gloves, and then handles RTE.

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#12 Cross-Contamination of Raw/Cooked Foods/Other

§229.164(f)(2)(A)(ii)(II) Page 32

P...Raw animal foods such as beef, fish, lamb, pork or poultry shall be separated during storage, preparation, holding or display by arranging each type of food in equipment so that cross contamination of one type with another is prevented

77

#12 Cross-Contamination of Raw/Cooked Foods/Other

§229.164(f)(2)(A)(ii)(II) Page 32

PExample of Violation

A food establishment has pork sausage, lamb chops and beef steaks that are in contact with one another in a display case.

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#13 Approved Systems (Date Marking)

§229.164(n)(7)(A)(i) & (ii) Page 47

P...Date Marking:

- ► All Refrigerated RTE PHF prepared on premise and held refrigerated more than 24 hours must be date marked with the date by which they must be consumed:
- ▶ 7 days or less if maintained at 41°F; or
- ▶ 4 days or less if maintained at 45°F.

79

#13 Approved Systems

(Date Marking)

§229.164(n)(7)(A)(i) & (ii) Page 47

P Example of Violation

➤ An on-premise prepared RTE PHF maintained at 41°F or 45°F is observed in a reach-in refrigerator past the consume-by date.

(Date Marking)

§229.164(n)(7)(B) Page 47

P...Date Marking:

- Refrigerated RTE PHF prepared on premise and frozen shall be:
- ► Consumed within 24 hours of thawing; or
- The food can be held thawed for a total refrigerated time not to exceed a 4 day or 7 day shelf life (refrigerated time it was held before freezing must be on the container)
- (Freezing stops the clock on shelf life but does not set it back).

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#13 Approved Systems

(Date Marking)

§229.164(n)(8)(A) Page 48

P...Date Marking:

- A container of refrigerated, RTE PHF prepared and packaged in a food processing plant shall be date marked at the time it is opened in a food establishment
- ▶ 7 days or less if maintained at 41°F; or
- ▶ 4 days or less if maintained at 45°F.

83

#13 Approved Systems

#13 Approved Systems
(Date Marking)

§229.164(n)(7)(B) Page 47

➤ A refrigerated RTE PHF was prepared, date marked, frozen and thawed (it is labeled with the

length of refrigerated time before freezing). There

is no consume-by date on the thawed product in

the walk-in cooler and the product is being held

more than 24 hours after thawing.

PExample of Violation

(Date Marking)

§229.164(n)(8)(A) Page 48

P Example of Violation

➤ The original container of refrigerated, RTE PHF that was date marked upon opening was discarded when emptied. There is product from the container in the display case with no date marking.

84

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(Date Marking)

§229.164(n)(8)(B) Page 48

P...Date Marking:

➤ The same rules governing the freezing and thawing of refrigerated RTE PHF prepared on premise apply to refrigerated RTE PHF prepared and packaged by a food processing plant.

85

#13 Approved Systems

(Date Marking)

§229.164(n)(8)(C) Page 49

- P...Date marking exceptions are:
 - ► Individual meal portions served or
- · Repackaged for sale from a bulk container upon a consumer's request.

86

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#13 Approved Systems (Date Marking)

§229.164(n)(8)(D) Page 49

- P...Date marking exceptions of refrigerated RTE PHF prepared and packaged by a food processing plant are for:
 - · Whole, unsliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami
- ▶ Other sausage in a cellulose casing.

87

#13 Approved Systems (Time as a Public Health Control)

§229.164(n)(10)(A) Page 50

- P...Time as a public health control:
 - ► Applies to a working supply of PHF before cooking; or
 - ► RTE PHF that is displayed or held for service for immediate consumption.

-		

(Time as a Public Health Control)

§229.164(n)(10)(A) Page 50

- P...Time as a public health control:
- The food shall be marked, labeled, tagged or otherwise unmistakably identified with the time which is 4 hours past the time the food was removed from temperature control.

89

#13 Approved Systems (Time as a Public Health Control)

§229.164(n)(10)(A) Page 50

P Example of Violation

PHF is on display without temperature control.
 There is no label or tag with the time which the food must be served or discarded.

90

#13 Approved Systems (Time as a Public Health Control)

§229.164(n)(10)(B) Page 51

- P...Time as a public health control:
 - The food shall be cooked and served, served if a RTE, or discarded within 4 hours of the time the food was removed from temperature control.

PExample of Violation

► PHF is on display without temperature control. The food is marked with a time of 11:00 a.m. and is still on display at noon. is still on display at noon.

#13 Approved Systems (Time as a Public Health Control)

§229.164(n)(10)(C) Page 51

- P...Time as a public health control:
- When using time as a public health control, the food in unmarked containers or packages or marked to exceed a 4 hour time limit shall be discarded.

#13 Approved Systems (Time as a Public Health Control)

§229.164(n)(10)(C) Page 51

PExamples of Violations

- ▶ PHF pastries on display at ambient temperature have no markers of a time to be discarded.
- PHF pastries on display at ambient temperature, are marked to be discarded 5 hours after being put on display.

93

#13 Approved Systems (Time as a Public Health Control)

§229.164(n)(10)(D) Page 51

P...Time as a public health control:

- ► Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, to ensure compliance with;
- ► The procedures taken when using time as a public health control; and
- ▶ The cooling process of a food that is prepared, cooked and refrigerated before time as a public 94 health control is used.

13 Approved Systems (Time as a Public Health Control)	

§229.164(n)(10)(D) Page 51

${\bf P} \, \underline{{\sf Examp \, les \, of \, Violation \, s}}$

- ► A food establishment does not have written procedures available that ensure compliance to use time as a public health control.
- ► A food establishment's written procedure for time as a public health control for pumpkin pie does not include the cooling process used to properly cool the pie after being baked.

95

#13 Approved Systems

(Variances)

§229.164(o)(1) Page 51

- P...A variance shall be obtained before:

	 smoking or curing food; using food additives as a method of preservation or to make a food a non PHF; or by preparing food by another method that is determined by the regulatory authority to require a variance. 	
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(Variances)

§229.164(o)(1) Page 51

P Example of Violation

► A food establishment is found to be producing their own smoked sausage and has not obtained a variance from the Retail Foods Division.

97

#13 Approved Systems (HACCP Plans)

§229.164(o)(2)(A) Page 51

P...HACCP plans:

A food establishment that packages food using a reduced oxygen packaging method shall have a HACCP Plan as specified.

98

#13	Approved Systems
	(HACCE FIGHS)

§229.164(o)(2)(A) Page 51

PExample of Violation

 A food establishment is vacuum packaging smoked sausage (smoked in-house) and does not have an approved HACCP plan from the regulatory authority.

99

#13 Approved Systems (HACCP Plans)

§229.165(f)(10)(B) Page 65

P...HACCP plans:

 Molluscan shellfish life support system display tanks that are used to store and display shellfish that are offered for human consumption shall operate according to a HACCP plan approved by the regulatory authority.

#13 Approved Systems (HACCP Plans)

§229.165(f)(10)(B) Page 65

PExample of Violation

► A food establishment that has live oysters for sale in a display tank does not have an approved HACCP plan approved by the regulatory authority.

101

#14 Water Supply

(Approved Source)

§229.166(a)(1)(A) & (b)(1)(A) Page 89

P...Drinking water shall be from an approved source that is a public water system and shall meet state drinking water quality standards

PExample of Violation

 A food establishment is using, as its water source, a private water well that is not listed with Texas Natural Resource Conservation Commission 102 (TNRCC).

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#4.4 MM - 4 0 1	
#14 Water Supply	
(Hot and Cold Under Pressure)	١

§229.166(c)(3) Page 90

P...Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment

Examples of Violations

- A food establishment does not have a hot water
- A food establishment's hot water heater does not work. work.

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R	equi	remer	its"	
Ret	tail Food	le on Use d Establis n Report		N
	M	odule 4		
				104

#15 Equipment Adequate to Maintain Product Temperature

§229.165(g)(1)

P...Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide required food temperatures

PExample of Violation

► The walk-in cooler has an ambient temperature of 57°F and PHF temperatures are between 53° F and 57°F (there is not enough refrigeration 105 equipment to store PHF).

#16 Handwash Facilities/ **Adequate and Accessible**

§229.167(e)(1) Page 104

- P...At least one handwashing lavatory is required and more than one may be required for convenient use by employees
 - ► §229.166(g)(1) Page 92
- P...Convenient for employees in food preparation, food dispensing, warewashing areas and in or adjacent to toilet rooms
- ► §229.166(h)(1) Page 92

106

#16	Hand	wash	Facilit	ies/
Ade	quate	and A	Access	ible

§229.166(g)(1) & (h)(1)

PExamples of Violations

- A food establishment has no:
- ♦ handwashing sink;
- ♦handwashing sink in or immediately adjacent to a toilet room;
- ♦handwashing sink convenient to a warewashing area;
- handwashing sink in or convenient to the food preparation area.

107

#16 Handwash Facilities/ Adequate and Accessible

§229.166(f)(2)(A)

P...A handwashing lavatory shall be equipped to provide water at a temperature of at least 110°F through a mixing valve or combination faucet

P Example of Violation

A handwaching cink has no hot water (nlumbed or

properly working).		
	108	

#17 Handwash Facilities with Soap and Towels

§229.167(e)(2) Page 104

P...Each handwashing lavatory or group of two adjacent lavatories shall be provided with hand cleaning liquid, powder or bar soap

P Example of Violation

 A food establishment has no hand soap at the handwashing sink.

109

P...Each handwashing lavatory or group of two adjacent lavatories shall be provided with individual, disposable towels, a continuous towel system that supplies . . . clean towels, or a heated-air hand drying device

#17 Handwash Facilities

with Soap and Towels

§229.167(e)(3) Page 104

P Example of Violation

 A food establishment has no single use hand towels or other hand drying provisions at the handwashing sink.

#19 No Evidence of Rodents Other Animals §229.167(p)(11(A)	s/
PRodents and pests shall be controlled minimize their presence within the phys facility and its contents, and on the contiguous property	l to sical
PExample of Violation Fresh rodent excreta pellets (REPs) were observed in a food establishment.	11:

#18 No Evidence of Insect Contamination

§229.167(p)(11)(A) Page 108

P...Insects shall be controlled to minimize their presence within the physical facility and its contents, and on the contiguous land or property.

PExamples of Violations

- Roaches were observed in the food preparation or storage areas.
- Flies were crawling on food contact surfaces.111

#19 No Evidence of Rodents/ Other Animals

§229.167(p)(15) Page 109

- P...Live animals may not be allowed on the premises of a food establishment with certain exceptions:
- ► Edible fish or decorative fish in aquariums;
- Patrol dogs accompanying police or security officers in dining, sales and storage areas;
- Support animals in dining, sales and storage areas; or
- Pets in common dining areas of group residences, with certain conditions.

#20 Toxic Items/ Properly Labeled /Stored/Used

§229.168(a) & (b) Page 111

- P...Original container shall bear legible manufacturer's label
- P...Working containers shall be clearly labeled with common name

#20 TOXIC Items/	
Properly Labeled /Stored/Use	d

#19 No Evidence of Rodents/

Other Animals

§229.167(p)(15)

Page 109

A variety of birds in cages are being used as a

decorative theme for the dining room in a food

114

PExample of Violation

establishment.

§229.168(e) Page 112

- P...Toxic material containers are prohibited for storage, transporting and dispensing of food
- P...Food containers may not be used for toxic materials

P Examples of Violations • A container of insecticide with an illegible label is located in an establishment. • An unlabeled spray bottle of a toxic chemical is located in an establishment. 115	PExamples of Violations Powdered milk is stored in an empty soap concentrate bucket. Fire ant pesticide is stored in a soup mix container.	116

#21 Manual Warewashing & Sanitizing at () ppm/Temperature

§229.165(g)(2)(D) Page 70

- P...Before a two-compartment sink is used:
 - ► It must be approved by the regulatory authority;
- Warewashing shall be limited to batch operations for cleaning kitchenware;
- Limited number of items shall be cleaned; and
- Solutions shall be made up immediately before use and drained immediately after use;
- ▶ Detergent sanitizer used; or
- ► Hot water sanitization used.

117

#21 Manual Warewashing & Sanitizing at () ppm/Temperature

§229.165(g)(2)(E) Page 70

P ...A two-compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process

118

#21 Manual Warewa Sanitizing at () ppm/T	•

§229.165(g)(2)(D) & (E) Page 70

PExamples of Violations

- A detergent-sanitizer solution, made up in the morning in a two-compartment sink, is used for warewashing pots and pans in the afternoon.
- A two-compartment sink is being used to wash plates in a food establishment.

119

#21 Manual Warewashing & Sanitizing at () ppm/Temperature

§229.165(k)(15) Page 77

P...Detergent sanitizer shall be in both compartments of a two-compartment sink

PExample of Violation

➤ In a two-compartment sink, a detergent-sanitizer is in the first compartment and rinse water is in the second compartment.

#22 Mechanical Warewashing & Sanitizing at () ppm/Temperature

§229.165(r)(2)

P...In a hot water sanitization dish machine, the utensil surface must reach 160°F

PExample of Violation

➤ The temperature indicator (160°F) does not turn dark after going through a high temperature sanitization dish machine.

121

#23 Approved Sewage/Wastewater **Disposal System, Proper Disposal**

§299.166(f)(1)(A) Page 91

P...A plumbing system must be designed and constructed according to law

PExample of Violation

• A food preparation sink discharges its waste water directly on the ground.

122

#24 Thermometers	
Provided/Accurate/Properly	1
Calibrated (+/- 2 degrees F))

§229.165(h)(2) Page 71

P...Food thermometers shall be provided and readily accessible

P Example of Violation

► The line cooks do not have use of a thermometer to measure food temperatures to ensure that proper temperatures have been reached.

123

#24 Thermometers Provided/Accurate/Properly Calibrated (+/- 2 degrees F)

§229.165(I)(1)(B) Page 77

P...Thermometers are calibrated according to manufacturer's specifications

PExample of Violation

A line cook is using a food thermometer that,

be off by 5°F.	ound to
	124

#25 Food Contact Surfaces of Equipment & Utensils Cleaned/Sanitized/Good Repair

§229.165(n)(1)(D)(ii) Page 79

P...Utensils and equipment used to prepare food in a refrigerated room maintained at 50°F, with the PHF at proper temperature, require cleaning at least every 12 hours

P Example of Violation

A meat cutting room is maintained at 50°F with PHF at proper temperature is cleaned once a day.

125

#25 Food Contact Surfaces of Equipment & Utensils Cleaned/Sanitized/Good Repair

§229.165(n)(1)(A)(i) & (B) Page 79

P...Equipment food contact surfaces and equipment shall be cleaned between different types of raw animal food such as beef, fish, lamb, pork or poultry unless processed in the order from the lowest cook temperature to the highest cook temperature

126

#25 Food Contact Surfaces of Equipment & Utensils Cleaned/Sanitized/Good Repair

§229.165(n)(1)(B) Page 79

PExample of Violation

A meat market processes raw meats in the order of poultry, comminuted meats and intact muscle meats and does not clean the equipment and utensils between the different types of raw animal foods.

127

#25 Food Contact Surfaces of Equipment & Utensils Cleaned/Sanitized/Good Repair

§229.165(n)(1)(E)(ii) Page 80

P...Surfaces of utensils and equipment contacting food that are not PHF are to be cleaned at least every 24 hours

PExample of Violation

 An iced tea dispenser is cleaned only every other day.

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#26 Posting of Consumer Advisories

(Heimlich)

§229.173(b) Page 135

P...Heimlich Maneuver posters:

► shall be posted in all food service establishments, conspicuous to employees or the public

PExample of Violation

A food establishment with a snack bar area does not have a Heimlich Maneuver poster posted.

P...Mandatory raw shellfish warning language:

➤ There is a risk associated with consuming raw oysters or any raw animal protein. If you have

physician.

chronic illness of the liver, stomach, or blood, or

have immune disorders, you are at greatest risk of illness from raw oysters and should eat oysters fully cooked. If unsure of your risk, consult your

29

131

#26 Posting of Consumer Advisories

(Raw Shellfish Warning)

§229.164(r) Page 55

P...Raw shellfish warning:

PExample of Violation

consumer advisory posted.

 Raw oysters are for sale in a display case in a food establishment that does not have a

 Food establishments which deliver shellfish to a consumer for raw consumption shall inform consumers by brochures, deli-case or menu advisories, label statements, table tents, placards or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating shellfish in raw or undercooked form

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#26 Posting of Consumer Advisories (Raw Shellfish Warning)		#26 Posting of Consumer Advisories (Raw Shellfish Warning)
§229.164(r) Page 55		§229.164(r) Page 55

#26 Posting of Consumer Advisories

(Buffet Plates)

§229.164(h)(6)(B) Page 37

P...Buffet plates:

- Self-service consumers may not be allowed to use soiled tableware to obtain additional food from the display and serving equipment
 A card, sign or other effective means of
- A card, sign or other effective means of notification shall be displayed to notify consumers that clean tableware is to be used upon return to self-service areas such as salad bars and buffets.

133

#26 Posting of Consumer Advisories

(Buffet Plates)

§229.164(h)(6)(B) Page 37

PExample of Violation

➤ A buffet does not have a sign to notify their customers to use clean plates on refills.

134

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#27 Food Establishment Permit

§229.171(f) Page 126

P...A person may not operate a food establishment without a valid permit issued by the regulatory authority

P Example of Violation

A food establishment has opened for business and has not obtained a permit.

135

Credits

Texas Department of Health Retail Foods Division

PTeam Leaders

- ► Mario Seminara Jr.
- ► Ione J. Wenzel

PTeam Members

- ► Steven C. McAndrew
- ► James McElhanon
- Nancy Oblinger
- ▶ Sandra Sugarek

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Guide 1
Exclusions and Restrictions for Food Employees and Applicants to Whom a Conditional Offer of Employment is Made

Health Status	Facilities Serving Highly Susceptible Population	Facilities Not Serving Highly Susceptible Population				
1. Diagnosed with illness due to <i>Salmonella typhi</i> , <i>Shigella</i> spp., <i>Escherichia coli</i> O157:H7, or hepatitis A virus.	Exclude §229.163(d)(2)(A)	Exclude §229.163(d)(2)(A)				
2. Experiencing a symptom listed in §229.163(d)(1)(B)	Restrict §229.163(d)(2)(B)	Restrict §229.163(d)(2)(B)				
3. Experiencing a symptom listed in §229.163(d)(1)(B)(i) and meets a high-risk condition* of §229.163(d)(1)(D)	Exclude §229.163(d)(2)(C)(i)	Restrict §229.163(d)(2)(B)(i)				
4. Asymptomatic but stools positive for <i>S. typhi</i> , <i>Shigella</i> spp., or <i>E. coli</i> O157:H7	Exclude §229.163(d)(2)(C)(ii)	Restrict §229.163(d)(2)(B)(ii)				
5. Past illness from <i>Salmonella typhi</i> within the last 3 months.	Exclude §229.163(d)(2)(C)(iii)	No Restrictions				
6. Past illness from <i>Shigella</i> spp. or <i>E. coli</i> O157:H7 within last month	Exclude §229.163(d)(2)(C)(iv)	No Restrictions				
7. Onset of jaundice within the last 7 days.	Exclude §229.163(d)(2)(D)(i)	Exclude §229.163(d)(2)(D)(i)				
8. Onset of jaundice more than 7 days ago.	Exclude §229.163 (d)(2)(D)(ii)(I)	Restrict §229.163(d)(2)(D)(ii)(II)				

^{*}High-risk conditions apply only to exclusions under this Subparagraph.

$Guide\ 2$ Removal of Exclusions and Restrictions for Food Employees and Applicants to Whom a Conditional Offer of Employment is Made

Health Status §229.163(d)(1) & §229.163(d)(2)	Facilities Serving Highly Susceptible Population §229.163(d)(3)	Facilities Not Serving Highly Susceptible Population §229.163(d)(3)								
1. Diagnosed with illness due to <i>Salmonella typhi</i> , <i>Shigella</i> spp., <i>Escherichia coli</i> O157:H7, or hepatitis A virus. §229.163(d)(1)(A)	Regulatory Authority Approval + Doctor: Stool free or blood free or symptom free §229.163(d)(3)(A)(i)	Regulatory Authority Approval + Doctor: Stool free or blood free or symptom free §229.163(d)(3)(A)(ii)								
2. Experiencing a symptom listed in §229.163(d)(1)(B)	No illness results + no symptoms or Suspect cause of illness + no symptoms + Doctor: stool or blood free or Doctor: Noninfectious condition §229.163(d)(3)(B)(i)	 No illness results + no symptoms or Suspect cause of illness + no symptoms + Doctor: stool or blood free or Doctor: Noninfectious condition §229.163(d)(3)(B)(i) 								
3. Experiencing a symptom listed in §229.163(d)(1)(B) and meets a high-risk condition §229.163(d)(1)(D), §229.163(d)(2)(C)(i)	Doctor: 1. Stools or blood free or 2. No jaundice per 3. §229.163(d)(3)(C)(i) Noninfectious condition §229.163(d)(3)(C)	 No illness results + no symptoms or Suspect cause of illness + no symptoms + Doctor: stool or blood free or Doctor: Noninfectious condition §229.163(d)(3)(B)(i) 								
4. Asymptomatic but stools positive for <i>S. typhi</i> , <i>Shigella</i> spp., or <i>E. coli</i> 0157:H7 §229.163(d)(2)(B)(ii); §229.163(d)(2)(C)(ii)	Doctor - Stools free §229.163(d)(3)(C)	Doctor - Stools free §229.163(d)(3)(B)(ii)								
5. Past illness from <i>Salmonella typhi</i> within the last 3 months. §229.163(d)(1)(C)	Doctor - Stools free §229.163(d)(3)(C)	NA								
6. Past illness from <i>Shigella</i> spp., or <i>E. coli</i> O157:H7 within last month. §229.163(d)(1)(C)	Doctor - Stools free §229.163(d)(3)(C)	NA								
7. Onset of jaundice within last 7 days. §229.163(d)(2)(D)(i)	No illness results + Doctor - blood free or Doctor - no jaundice or Suspect cause of illness + both satisfied §229.163(d)(3)(D)	No illness results + Doctor - blood free or Doctor - no jaundice or Suspect cause of illness + both satisfied §229.163(d)(3)(D)								
8. Onset of jaundice more than 7 days ago. §229.163(d)(2)(D)(ii)	 No illness results + Doctor - blood free or Doctor - no jaundice or Suspect cause of illness + both satisfied §229.163(d)(3)(D) 	 No illness results + Doctor - blood free or Doctor - no jaundice or Suspect cause of illness + both satisfied §229.163(d)(3)(D) 								

Retail Food Establishment Inspection Report

									Yes	No						R														
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Est	ablis	se of Inspection: 1-Compliance 2-Routine 3-Field Investigation 4-Visit 5-Other Owner:																												
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	ivi⊏r 5 Pts		Food (PHF) Temperature/Time Requirements Violations Require Immediate Corrective Action Remarks													cos														
,		,	Proper Cooling for Cooked/Prepared Food																											
			2. Cold Hold (41°F/45°F)																											
			3. Hot Hold (140°F)																											
			Proper Cooking Temperatures per PHF																											
			5. Rapid Reheating (165°F in 2 Hrs)																											
Foo	od/Te	empe	erature	s																										
		RITS	Pers	onnel/l	Handl	ing/S	ourc	e Re	quirem	ents									D	omo	rko								cos	
(-	4 Pts	s)	Personnel/Handling/Source Requirements Violations Require Immediate Corrective Action Remarks																											
			6. Personnel with Infections Restricted/Excluded																											
			7. Proper/Adequate Handwashing																											
			8. Good Hygienic Practices (Eating/Drinking/Smoking/Other)																											
			+	9. Approved Source/Labeling																										
				10. Sound Condition 11. Proper Handling of Ready-To-Eat Foods																										
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S	ubtot	als	_	27. Food Establishment Permit Other Violations - Violations Require Corrective Action, Not To Exceed 90 Days Or The Next Inspection, Whichever Comes First																										
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Item No.

1 Cooling

• Potentially hazardous food cooled from 140°F to 70°F more than 2 hours OR 70°F to 41°F (45°F) more than 4 hours OR prepared foods cooled to 41°F (45°F) more than 4 hours:

Action: Voluntary destruction

2 Cold Hold

Potentially hazardous food held above 41°F (45°F) more than 4 hours:

Action: Voluntary destruction

Potentially hazardous food held above 41°F (45°F) less than 4 hours:

Action: Rapid cool (e.g. ice bath)

3 Hot Hold

Potentially hazardous food held below 140°F more than 4 hours:

Action: Voluntary destruction

Potentially hazardous food held below 140°F less than 4 hours:

Action: Rapid reheat to 165°F or more

4 Cooking

Potentially hazardous foods undercooked:

Action: Recook to proper temperature

5 Rapid Reheating

• Cold potentially hazardous foods improperly reheated:

Action: Reheat rapidly to 165°F

7 Handwashing

Food employees observed not washing hands:

Action: Employees should be instructed to wash hands before starting work and

after smoking, eating, drinking, using the toilet, and all other times speci-

fied in the Rules.

9, 10 Approved Source/Sound Condition

• Foods from unapproved sources/unsound condition:

Action: Detention or voluntary destruction

11 Proper Handling of Ready-to-Eat Foods

 Ready-to-Eat foods handled with bare hands and employee did not properly wash hands before handling:

Action: Voluntary destruction

12 Cross Contamination of Raw/Cooked Foods

Ready-To-Eat foods contaminated by raw potentially hazardous foods:

Action: Voluntary destruction of ready to eat foods

13 Approved Systems

- HACCP Plans for ROP, shellfish tanks, variances, others
- Written procedure for time as a public health control